

REMARKS

Claims 15-38 are pending in the present application before this preliminary amendment as set forth above. By the amendment, claims 15, 22, 31 and 33 are amended. These amendments were not presented earlier because applicant genuinely believed that the previously presented claims were in condition for allowance. Applicant respectfully submits herewith the preliminary amendment, concurrently with an RCE request. Accordingly, these amendments should be admitted and entered.

In the June 26, 2009 Final Office Action, the Primary Examiner rejected claims 15-38 under 35 U.S.C. § 103(a) as being unpatentable over Fukushima (JP 2002-020576). Further, claims 15-38 were also rejected under 35 U.S.C. § 112, 2nd paragraph.

Applicant very appreciates the Primary Examiner's careful review of the present application.

In response, as set forth above, claims 15, 22, 31 and 33 have been amended for better form. Specifically, each of independent claims 15, 22, 31 and 33 has been amended to specify that the olefin homo/co-polymer segment is an ethylene-propylene block copolymer with ethylene content of 10 wt% or less.

Thus, applicant asserts that no new matter is added.

Any amendments to the claims not specifically referred to herein are included for the purpose of clarification, consistence and/or grammatical correction only.

It is now believed that the application is in condition for allowance at least for the reasons set forth below and such allowance is respectfully requested.

The following remarks herein are considered to be responsive thereto.

Claims Rejections - 35 USC 112

Claims 15-38 were rejected under 35 USC 112, second paragraph.

In response, as set forth above, claims 15, 22, 31 and 33 have been amended to more particularly out and distinctly claim their subject matter. Accordingly, withdrawal of the rejection is respectfully requested.

Claims Rejections - 35 USC 103(a)

Claims 15-38 were rejected under 35 USC 103(a) as being unpatentable over Fukushima (JP 2002-020576). Applicant respectfully traverses the rejections as follows:

In response, as set forth above, each of independent claims 15, 22, 31 and 33, as amended, recites, among other things, a feature of "the olefin homo/co-polymer segment is an ethylene-propylene block copolymer with ethylene content of 10 wt% or less."

Applicant respectfully submits that Fukushima is silent about the claimed feature. As indicated in pages 3 and 4 of the Office Action, the Examiner stated that

"Paragraph 15 of the reference discloses that the olefin polymer may be polypropylene or ethylene propylene rubber and since paragraph 15 discloses nothing about these materials being block or containing sequences of different units those skilled in the art would interpret such polymers are random such as all claims read on." ...
(Emphasis added)

Thus, the claimed feature, namely, "the olefin homo/co-polymer segment is an ethylene-propylene block copolymer with ethylene content of 10 wt% or less" is a patentable distinction over Fukushima.

In addition, as explained below, the use of an ethylene-propylene block copolymer with ethylene content of 10 wt% or less exhibits higher oil resistance than the use of an ethylene-propylene random copolymer.

Reference is made to Examples 3 and 4 in Table 3 of the specification. As described in page 36, Example 3 uses the grafting precursor (c) obtained in Reference Example 7. As described in page 32, the grafting precursor (c) of Reference Example 7 is obtained by using polypropylene B (ethylene-propylene random copolymer). As described in page 36, Example 4 uses the grafting precursor (a) obtained in Reference Example 5. As described in page 30, the grafting precursor (a) of Reference Example 5 is obtained by using polypropylene A (ethylene-propylene block copolymer with ethylene content of 10 wt% or less).

Table 3 shows that Example 4, which uses the ethylene-propylene block copolymer with ethylene content of 10 wt% or less, exhibits higher oil resistance than Example 3, which uses the ethylene-propylene random copolymer. This is unexpected from Fukushima.

At least for the reasons discussed above, independent claims 15, 22, 31 and 33 are patentable over Fukushima. Claims 16-21, 23-30, 32, and 34-38 ultimately depend from claims 15, 22, 31 and 33, and so at least similarly distinguish over Fukushima.

In view of the foregoing discussions, the rejection of claims 15-38 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

CONCLUSION

Applicant respectfully submits that the foregoing Amendment and Response place this application in condition for allowance. If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please call the undersigned at 404-495-3678.

Respectfully submitted,
MORRIS, MANNING & MARTIN, LLP

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Tim Tingkang Xia
Attorney for Applicant on the Record
Reg. No. 45,242

MORRIS, MANNING & MARTIN, LLP
1600 Atlanta Financial Center
3343 Peachtree Road, N.E.
Atlanta, Georgia 30326-1044
Phone: 404-233-7000
Direct: 404-495-3678
Customer No. 24728